

Minnesota Pollution Control Agency

520 Lafayette Road, Saint Paul, Minnesota 55155-3898

Telephone (612) 296-6300

US EPA RECORDS CENTER REGION 5



466739

August 11, 1992

Official File Copy

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Cyrus Johnson
General Mills, Inc.
One General Mills Boulevard
Minneapolis, Minnesota 55426

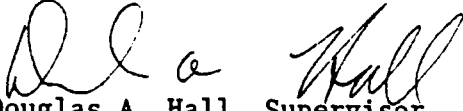
Dear Mr. Johnson:

RE: FINAL REISSUED NPDES/SDS PERMIT #MN 0056022

Enclosed is a copy of the final reissued National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit covering your facilities at the above referenced location, which supersedes an earlier NPDES/SDS permit that was issued on May 6, 1985. This Permit has been drafted pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq), Minnesota Rules Chapter 7001. All comments submitted in writing during the public notice comment period, pursuant to Minnesota Rules Part 7001.0110 and the hearing record, where a hearing was held, pursuant to Minnesota Rules Part 7001.0130, have been considered in the formulation of final determinations and recommendations on the NPDES/SDS Permit.

If you have any questions regarding this permit, please contact Peter Sandberg at (612) 296-7307.

Sincerely,


Douglas A. Hall, Supervisor
Permits Unit, Industrial Section
Water Quality Division

DAH/PS:jmg

Enclosure: Final Permit

cc: Permits, U.S. Environmental Protection Agency, Chicago (w/final permit)

AUTHORIZATION TO DISCHARGE AND TO CONSTRUCT, INSTALL AND OPERATE A
WASTEWATER DISPOSAL SYSTEM
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND STATE DISPOSAL SYSTEM PERMIT PROGRAM

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq; hereinafter the "Act"), Minnesota Statutes Chapters 115 and 116, as amended, and Minnesota Rules Chapter 7001

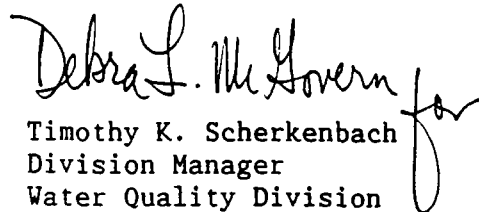
GENERAL MILLS, INC.

(hereinafter the Permittee) is authorized by the Minnesota Pollution Control Agency (MPCA) to construct, install and operate a wastewater disposal system at and to discharge from 2010 E. Hennepin Avenue, Minneapolis to receiving water named Mississippi River, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit is a reissuance of an existing permit which had an expiration date of midnight, February 28, 1990. This reissued permit shall become effective on the date of issuance by the Commissioner and shall supersede the existing permit upon issuance.

This permit and its authorization shall expire at midnight, June 30, 1997. The Permittee is not authorized to discharge nor to operate the disposal system after the above date of expiration. In order to receive such authorization beyond the above date of expiration, the Permittee shall submit such information and forms as are required by the Agency no later than 180 days prior to the above date of expiration pursuant to Minnesota Rules Part 7001.0040.

Date: August 7, 1992


Timothy K. Scherkenbach
Division Manager
Water Quality Division

For Charles W. Williams
Commissioner
Minnesota Pollution Control Agency

A. DESCRIPTION

The activity at this facility which requires a permit is the operation of a gradient control well system for a solvent disposal site. The system pumps contaminated ground water from five source area wells and three barrier wells at a maximum combined rate of 650 gallons per minute. The ground water is contaminated with several Volatile Organic Compounds (VOCs), primarily trichloroethylene.

Prior to discharge, the ground water from source area wells 108, 109 and 110 passes through an air stripping tower designed to remove an average of 98 percent of the dissolved VOCs. The ground water from the remaining wells has lower levels of VOCs, and is discharged directly to the storm sewer.

Location of Facility:



B.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting until June 30, 1997 the Permittee is authorized to discharge from outfall serial number 391 (wells 108, 109, 110).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>		<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
<u>Parameter</u>		<u>Daily Maximum</u>	<u>Annual Average</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - MGD				continuous	estimate daily average
Effluent					
Trichloroethylene (TCE)		100 ug/l	50 ug/l	quarterly	grab
Influent Total VOCs		--	--	quarterly	grab
Effluent Total VOCs		(5)	(5)	quarterly	grab

- 1) The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored. These upper and lower limitations are not subject to averaging and shall be met at all times.
- 2) There shall be no discharge of floating solids or visible foam in other than trace amounts.
- 3) The discharge shall not contain oil or other substances in amounts sufficient to create a visible color film on the surface of the receiving waters.
- 4) Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: representative of the influent to and effluent from the air-stripper.
- 5) The treatment system shall achieve a removal efficiency of 98 percent as an annual average, 95 percent daily minimum based on the ratio of total VOCs concentration in the influent versus concentration in the effluent. As influent contaminant levels decrease, the removal efficiency of the system may decrease. In this event the permittee shall demonstrate that optimum efficiency is being achieved for the level of influent contamination being treated.

B.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting until June 30, 1997 the Permittee is authorized to discharge from outfall serial number 392 (wells 111, 112, 113, MG-1, MG-2).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Maximum</u>	<u>Annual Average</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - MGD	--	--	continuous	estimate daily average
Trichloroethylene (TCE)	--	--	quarterly	grab
Total VOCs	--	--	quarterly	grab

The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored. These upper and lower limitations are not subject to averaging and shall be met at all times.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge shall not contain oil or other substances in amounts sufficient to create a visible color film on the surface of the receiving waters.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: representative of the discharge to the storm sewer.

C. SPECIAL REQUIREMENTS

1. Pretreatment Requirements

No pollutant shall be discharged from this facility to a publicly owned treatment works except in accordance with pretreatment standards established in accordance with the Act or Minnesota Statutes or any such local standards or requirements. No pollutant shall be discharged into any publicly owned disposal system which interferes with, passes through inadequately treated or otherwise is incompatible with such disposal system. The Permittee shall not make modifications to divert any discharge of pollutants authorized by this permit to a publicly owned treatment works without having first notified and received the approval of the Commissioner.

2. Water Treatment and Chemical Additives

The Permittee shall not use nor increase the use of water treatment or chemical additives at this facility other than those additives and in the amounts reported prior to issuance of this permit and approved by the Commissioner, without the prior approval of the Commissioner. The Permittee shall request approval from the Commissioner in writing at least 30 days in advance of the proposed new use or increase in use of a water treatment or chemical additive at this facility. This written request shall include at least the following information for the proposed additive:

- a. The commercial and chemical names;
- b. Aquatic toxicity and human health or mammalian toxicity data;
- c. Environmental fate information (including, but not limited to, persistence, half-life and bioaccumulation data);
- d. Whether the chemical is a suspected carcinogen, mutagen or teratogen; and
- e. The proposed methods, and average and maximum rates and frequencies of chemical addition.

This permit may be modified to restrict the use or discharge of a water treatment or chemical additive, or to require additional monitoring.

3. Reopening Clause

This permit shall be modified, or, alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301 (b)(2)(C), and (D), 304 (b)(2), and 307 (a)(2) of the Act, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

D. MONITORING AND REPORTING

1. Monitoring

a. Representative Sampling

Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the monitored activity.

b. Certified Laboratory

In order to insure the quality and validity of analytical data, all samples collected to determine compliance with this permit shall be analyzed by a laboratory certified by the Minnesota Department of Health as provided by Minn. Rules 4740.2040, Certified Test Categories.

c. Test Procedures

Test procedures for the analysis of parameters shall conform to regulations promulgated pursuant to Section 304 (h) of the Act, and Minnesota Statutes, Section 115.03, Subd. 1 (e) (7) as amended.

The Permittee shall calibrate all field instruments in the field prior to sample collection. The Permittee also shall periodically calibrate and perform maintenance on all other monitoring and analytical instrumentation used to monitor parameters discharged under this permit, at intervals to insure accuracy of measurements. The Permittee shall maintain written records of all such calibrations and maintenance.

d. Recording of Results

For each measurement taken or sample collected pursuant to the requirements of this Permit, the Permittee shall record the following information:

- 1) The exact place, date, and time of sampling;
- 2) The dates the analyses were performed;
- 3) The person who performed the analyses; and
- 4) The results of such analyses.

e. Additional Monitoring by Permittee

If the Permittee monitors any parameter designated herein more frequently than required by this permit, or as otherwise directed by the Agency or Commissioner, the results of such monitoring shall be included in the calculation and reporting of values submitted on the Discharge Monitoring Report Form. Any increased monitoring frequency shall also be indicated on such designated form.

f. Recording and Records Retention

The Permittee shall retain for a minimum of three years all records and documents in its possession or the possession of its divisions, employees, agents, accountants, contractors or attorneys that relate to this Permit, including original recordings from any continuous monitoring instrumentation, and any calibration and maintenance records. These retention periods shall be automatically extended during the course of any legal or administrative proceedings or when so requested by the Regional Administrator, the Agency, or the Commissioner.

2. Reporting

- a. All monitoring results obtained pursuant to the provisions of this permit shall be summarized on a quarterly basis and reported on the designated "Discharge Monitoring Report Form."
- b. Reports shall be submitted quarterly and received or postmarked no later than the 21st day of the month following the completed reporting period. The first report is due on the reporting date following the first reporting period where monitoring is required beginning on the date of issuance of this permit. If the reporting period specified above is quarterly, reports shall be due on the 21st day of April, July, October, and January. Reports shall be signed by the Permittee or the duly authorized representative of the Permittee.
Signed copies of these, and all other reports required herein, shall be submitted to the Commissioner at the following address:

Minnesota Pollution Control Agency
Water Quality Division
Industrial Section
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

- c. The Permittee shall report the results of the monitoring in the units specified in this permit. The reports or written statements shall be submitted even if no discharge occurred during the reporting period. The report shall include (a) a description of any modifications in the wastewater collection, treatment, and disposal facilities; (b) any substantial changes in operational procedures; (c) any other significant activities which alter the nature or frequency of the discharge; (d) any other material factors affecting compliance with the conditions of this permit and such information as the Agency or Commissioner may reasonably require of the Permittee pursuant to Minnesota Statutes, Chapters 115 and 116 as amended, and Minnesota Rules Chapter 7001.
- d. Except for data determined to be confidential under Section 308 of the Act, and Minnesota Statutes, Section 116.075, Subd. 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Agency. Procedures for submitting such confidential material shall be pursuant to Minnesota Rules Part 7000.1300. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report, confidential or otherwise, is subject to the imposition of criminal penalties as provided for in Section 309 of the Act and Minnesota Statutes, Chapter 609.671 (1988).

E. DEFINITIONS

1. The "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minnesota Statutes, Section 115.02, Subd. 1.
2. The "Commissioner" means the Commissioner, or other Agency staff as authorized by the Commissioner, of the Minnesota Pollution Control Agency as described in Minnesota Statutes, Section 116.02 as amended.
3. The "Regional Administrator" means the Environmental Protection Agency (EPA) Region Administrator for the region in which Minnesota is located (now Region V).
4. The "Act" means the Clean Water Act, as amended 33. U.S.C. 1251, et seq.
5. "Monthly Average" concentration is defined as the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during the calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighed by flow value) of all the samples collected during the calendar day. The arithmetic average (weighed by flow value) is the summation of each concentration times its respective flow divided by the summation of the respective flows.
6. "Daily Maximum" concentration means the daily determination of concentration for any calendar day.
7. Pollutants, Toxic Pollutants, Other Wastes, Point Source, Disposal System, Waters of the State, and other terms for the purpose of this permit are defined in Section 502 of the Act and Minnesota Statutes 115.01 as amended and Minn. Rules ch. 7001.
8. "Best Available Technology" means the application to a treatment facility of the best available technology economically achievable as required by Section 301 (b)(2) of the Clean Water Act, United States Code, Title 33, Section 1311 (b)(2).
9. "Best Management Practices" means practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practice, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.
10. "Grab" sample is an individual sample collected at one point in time.
11. Total VOCs for purposes of this permit includes:

1,1-Dichloroethane	Tetrachloroethylene
1,2-Dichloroethane	Trichloroethylene
1,2-Dichloroethylene (cis/trans)	Benzene
1,1,2,2-Tetrachloroethane	Toluene
	Xylenes

PART II

A. MANAGEMENT REQUIREMENTS

1. Bypasses

A bypass is an intentional diversion of a waste stream from any portion of the treatment facility. Bypasses are prohibited except as allowed by PART II, A.1. of this Permit or as allowed by rules of the Agency.

a. Bypass not causing exceedance of permit effluent limitations.

(1) A bypass that does not result in an exceedance of applicable effluent limits is allowed only if the bypass is necessary for essential maintenance to assure efficient operation of the wastewater treatment facility.

(2) The Permittee shall notify the Agency in writing of the need for an anticipated bypass at least ten days before the date of the bypass. If the bypass was unanticipated, the Permittee shall notify the Agency as soon as possible under the circumstances, but in no event more than 24 hours after the bypass.

b. Bypass causing exceedance of permit effluent limitations. A bypass that causes an exceedance of an effluent limit, whether anticipated or unanticipated, is prohibited except under the following conditions:

(1) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. For the purposes of this paragraph, "severe property damage" means substantial damage to property of the Permittee or of others; damage to the wastewater treatment facilities that may cause them to become inoperable; or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss as a result of a delay in production.

(2) There is no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or performance of maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

(3) In the case of an anticipated bypass, the Permittee has notified the Commissioner at least ten days in advance of the bypass or as soon as possible under the circumstances, and the Commissioner has approved the bypass. The Commissioner shall

approve the bypass if the Commissioner finds that the conditions set forth in (1) and (2) above are met. The Permittee shall provide the Commissioner such information as the Commissioner requires to make a decision on the bypass.

(4) In the case of an unanticipated bypass, the Permittee has notified the Agency within 24 hours of the bypass. The Permittee shall provide in writing the reasons for an unanticipated bypass.

- c. Water Quality Violations. In no event shall a bypass, whether anticipated or unanticipated, be permitted if it results in a violation of applicable water quality standards.
- d. Affirmative Bypass Defense. A Permittee who experiences a bypass, either anticipated or unanticipated, may raise as an affirmative defense to an alleged violation of this Permit that the bypass was authorized under PART II, A.1. of this Permit.

The Permittee has the burden to establish such affirmative defense by a preponderance of competent evidence.

- e. Health Hazards/Nuisance Conditions. If an unanticipated bypass may cause a health hazard or nuisance condition to occur, the Permittee shall notify the Agency immediately by calling the Agency's emergency response number (612) 296-8100.
- f. Written Reports. The Permittee shall include with its next Discharge Monitoring Report a written report about any bypass that caused an exceedance of permit limits. The report shall contain the following information:
 - (1) A description of the discharge, the approximate volume, and the cause of the bypass.
 - (2) The period of the bypass including exact dates and times, and, if the bypass is still occurring, the anticipated time the bypass will continue.
 - (3) A description of the steps taken to reduce, eliminate, and prevent recurrence of the bypass.

2. Upsets

An upset is an exceptional incident in which there is unintentional and temporary exceedance of permit limits due to factors beyond the control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- a. Affirmative Upset Defense. If the Permittee exceeds permit limits due to an upset, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates the following by a preponderance of competent evidence:
 - (1) The specific cause of the upset;
 - (2) That the upset was unintentional;
 - (3) That the upset resulted from factors beyond the control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities;
 - (4) That at the time of the upset the facility was being properly operated;
 - (5) That the Permittee notified the Agency within 24 hours of the upset; and
 - (6) That the Permittee took all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, and the environment resulting from the upset.
 - b. Written Report. The Permittee shall include with its next Discharge Monitoring Report a written report about any upset that occurred in the previous month. The report shall contain the same information required for a bypass report under paragraph II.A.1.f and in addition shall describe the steps taken to minimize the adverse impacts on human health, public drinking water supplies, and the environment resulting from the upset.
3. Permit Limit Exceedances. If, for any reason, the Permittee exceeds any effluent limitation specified in the Permit, the Permittee shall report with the next Discharge Monitoring Report, the following information:
 - a. A description of the discharge, approximate volume, and the cause of the noncompliance.
 - b. The period of noncompliance including exact dates and times, the anticipated time of noncompliance if it is still continuing, and the steps taken to correct, reduce, eliminate, and prevent recurrence of the noncomplying discharge.
 4. Adverse Impact

The Permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from:

- a. All unauthorized discharges accidental or otherwise, of oil, toxic pollutants or other hazardous substances consistent with Minnesota Statutes Section 115.061 and 40 CFR PART 110 and 116;
- b. Effluent limitation violations;
- c. A bypass; or
- d. An upset.

The Permittee shall immediately notify the Commissioner in writing of any occurrences as described in a. through d. above. Notification for bypasses and upsets shall be consistent with the requirements of PART II, A.1.

5. Change in Discharge

- a. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil or criminal penalties as provided for in Section 309 of the Act, Minnesota Statutes Section 115.071, and Chapter 609.671 (1988).
- b. Facility modifications, additions, and/or expansions that increase the plant capacity shall be reported to the Commissioner (Attn: Industrial Section, Water Quality Division) and this permit may then be modified or reissued to reflect such changes.
- c. Any anticipated change in the facility discharge, including any new or modified industrial discharge or change in the quality of existing industrial discharges to the treatment system that may result in a new or increased discharge of pollutants shall be reported to the Commissioner (Attn: Industrial Section, Water Quality Division). Modification to the permit may then be made to reflect any necessary change in permit conditions, including any necessary effluent limitations for any pollutant not identified and limited herein.

- d. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

6. Facilities Operation and Quality Control

All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. Maintenance of the treatment facility that results in impairment of treatment efficiency of the disposal system and/or degradation of water quality shall be scheduled as much as possible during non-critical water quality periods and shall be carried out in a manner approved by the Commissioner.
- b. The Commissioner may require the Permittee to submit a maintenance plan to eliminate water quality degradation. The Permittee shall operate the disposal system in accordance with this plan as approved by the Commissioner.
- c. The Permittee shall provide an adequate operating staff which is duly qualified under Minnesota Rule 9400 and, if applicable, as determined by the Commissioner pursuant to Minnesota Rules Part 7001.0150, to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
- d. The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities or systems of control installed or used to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
- e. Necessary in-plant control tests shall be conducted at a frequency adequate to ensure continuous efficient operation of the treatment facility.

7. Removed Substances

The Permittee shall dispose of solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters in such manner as to prevent any pollutant from such materials from entering waters of the state. In disposing of such materials, the Permittee shall comply with all applicable water, air, solid waste and hazardous waste statutes and regulations. When requested, the Permittee shall submit a plan for such disposal for approval by the Commissioner.

8. System Reliability

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes at all times. The Permittee is responsible for insuring system reliability by means of alternate power sources, back-up systems, storage of inadequately treated effluent, or other appropriate methods of maintaining system reliability.

9. Construction

This Permit only authorizes the construction of treatment works to attain compliance with the limitations and conditions of this permit, after plans and specifications for treatment facilities have been submitted to and approved in writing by the Commissioner prior to the start of any construction.

10. Need to Halt or Reduce not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

B. RESPONSIBILITIES

1. Transfer of Ownership or Control

No permit may be assigned or transferred by the holder without the approval of the Agency. In the event of any changes in control or ownership of the facilities, a Request for Permit Transfer, signed by both parties shall be sent to the Agency (Attn: Industrial Section, Water Quality Division). Any succeeding owner or controller also shall comply with the terms and conditions of this permit.

2. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. Minnesota Rules Parts 7001.0170 and 7001.0180.

3. Toxic Pollutants

Notwithstanding PART II, B.2. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307 (a) of the Act or Minnesota Statutes Chapters 115 and 116 as amended, for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitations for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and in accordance with applicable laws and regulations.

4. Right of Entry

The Permittee shall, pursuant to Section 308 of the Act and Minnesota Statutes 115.04, allow the Commissioner of the Agency, the Regional Administrator, and their authorized representatives upon presentation of credentials:

- a. To enter upon the Permittee's premises where a disposal system or other point source or portion thereof is located for the purpose of obtaining information, examination of records, conducting surveys or investigations;
- b. To bring such equipment upon the Permittee's premises as is necessary to conduct such surveys and investigations;

- c. To examine and copy any books, papers, records, or memoranda pertaining to the installation, maintenance, or operation of the discharge, including but not limited to, monitoring data of the disposal system or point source or records required to be kept under the terms and conditions of this permit;
- d. To inspect any monitoring equipment or monitoring procedures required in this permit; and
- e. To sample and monitor any substances or parameters at any location.

5. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for non-compliance with the terms and conditions provided herein.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the Act and Minnesota Statutes, Chapters 115 and 116 as amended.

7. Liability Exemption

This permit authorizes the permittee to perform the activities described herein under the conditions set forth. In issuing this permit, the state/agency assumes no responsibility for any damage to persons, property or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed or undertaken pursuant to this permit. To the extent the state/agency may have any liability for the activities of its employees, that liability is explicitly limited to that provided in the Torts Claim Act, Minn. Stat. § 3.736.

8. Minnesota Laws

Nothing in this permit shall be construed to preclude the institution of any legal or administrative proceedings or relieve the Permittee from any responsibilities, liabilities, or penalties for violation of effluent and water quality limitations not included in this permit.

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

11. NPDES/SDS Rules

The Permittee shall comply with the provisions of Minn. Rules pts. 7001.0150, subp. 3 and 7001.1090, subp. 1.

12. Other Statutes, Rules and Ordinances

The Agency's issuance of a permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or local ordinances, except the obligation to obtain the permit.

13. More Stringent Rules

The Agency's issuance of a permit does not prevent the future adoption by the Agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards or orders against the Permittee.

14. Agency Obligation

The Agency's issuance of a permit does not obligate the Agency to enforce local laws, rules or plans beyond that authorized by Minnesota Statutes.

#5114-jmg